

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION  
Civil Action No. 15-CV-223**

**PAMELA SHOAF,**

**Plaintiff,**

**v.**

**NAVIENT SOLUTIONS, INC. and  
SALLIE MAE, INC.,**

**Defendants.**

**NOTICE OF REMOVAL**

Defendant Navient Solutions, Inc., formerly known as Sallie Mae, Inc. (“Navient”) and erroneously named in the Complaint as two separate entities, by counsel and pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, hereby removes this action from the Superior Court of Davidson County, North Carolina to the United States District Court for the Middle District of North Carolina, Winston-Salem Division. In support of this Notice of Removal, Navient states as follows:

**I. PROCEDURAL BACKGROUND**

1. On or about February 2, 2015, Pamela Shoaf (“Plaintiff”), through counsel, commenced this civil action by filing a Complaint in the Superior Court Division of Davidson County, North Carolina, styled Pamela Shoaf v. Navient Solutions, Inc. and Sallie Mae, Inc., Civil Action No. 15-CVS-277 (“Civil Action”), against Navient.

2. Navient was served with the Complaint and Summons in the Civil Action on February 10, 2015.

3. Because the Notice of Removal is being filed within thirty (30) days of service of the Complaint, removal is timely under 28 U.S.C. § 1446(b).

4. This Court is the District Court embracing Davidson County, North Carolina where the Civil Action is currently pending. Venue is therefore proper in this district under 28 U.S.C. § 1441(a) because this district embraces the place in which the removed action has been pending.

5. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings served in the state court action as of the date of this removal are attached hereto as Exhibit A.

## **II. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION**

6. This Court has original jurisdiction over the entire Civil Action pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446.

7. Federal question jurisdiction exists when the action asserts a claim “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Generally, federal question jurisdiction is governed by the “well-pleaded complaint rule,” which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987).

8. Plaintiff alleges claims against Defendants under the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (the “TCPA”). *See* Compl. at ¶¶ 76-86. Because the TCPA claim presents a federal question, this Court has original jurisdiction, and the Civil Action may be removed to this Court. *See Mims v. Arrow Fin. Svcs., LLC*, 132 S. Ct. 740 (2012).

9. This Court has supplemental jurisdiction over Plaintiff’s remaining state law claims pursuant to 28 U.S.C. § 1367 because all of Plaintiff’s claims arise from a common nucleus of operative fact. As such, Plaintiff’s claims form part of the same case or controversy under Article III of the United States Constitution. *See* 28 U.S.C. § 1367(a).

### **III. OTHER PROCEDURAL REQUIREMENTS**

10. As required by 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Navient in this action are attached as Exhibit A.

11. True and correct copies of this Notice of Removal and a Notice of Removal of this Civil Action to Federal Court directed to the Superior of Court of Davidson County, North Carolina, are being served upon Plaintiff's counsel and filed with the Clerk of Superior Court for Davidson County, North Carolina, in accordance with the provisions of 28 U.S.C. § 1446(d). Exhibit B.

**WHEREFORE**, Navient files this Notice of Removal so that the entire state court action under Civil Action No. 15-CVS-277 now pending in the Superior Court of Davidson County, North Carolina, shall be removed to this Court for all further proceedings.

This the 12th day of March 2015.

**NAVIENT SOLUTIONS, INC.**

**By Spilman Thomas & Battle, PLLC**

/s/ R. Scott Adams

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**CERTIFICATE OF SERVICE**

I, R. Scott Adams, counsel for Navient, certify that on March 12, 2015, I electronically filed the foregoing **Notice of Removal** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following, and by placing a copy in the United States Mail in Winston-Salem, North Carolina, First Class, Postage Prepaid, addressed as follows:

Travis E. Collin, Esq.  
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/s/ R. Scott Adams

R. Scott Adams (NC State Bar No. 36581)